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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,506	12/05/2003	Richard B. Roe	89190.116303/DP-310058	1965

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER

ESHETE, ZELELEM

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/729,506	Applicant(s) ROE ET AL.	
	Examiner Zelalem Eshete	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 December 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-15 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This Office Action is in response of the RCE filed on 12/22/2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al. (5,263,386).

Regarding claims 1,10: Campbell discloses an antirotation guide for a valve lifter for an internal combustion engine having a camshaft disposed within an engine block of said engine, and a valve train, comprising a) a sleeve (See Figure 1 (12)) portion having an inner surface and an outer surface and a first end and a second end; and b) an anti-rotation (See Figure 1 (51)) feature fixedly coupled to one of said first end and said second end of said sleeve portion for cooperating with said lifter (See Figure 1 (27)) to prevent axial rotation of said lifter within said guide, said sleeve portion being oriented when installed from an opening of a bore in said engine proximate said camshaft (See Figure 2 (24)), said first end of said sleeve portion being adjacent said camshaft (See

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Figure 2 (24)) and said second end of said sleeve portion being adjacent said valve train (See Figure 2 (42)).

Regarding claims 2,3: As to the method of press/slip fit, a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

Regarding claim 4: Campbell discloses said anti-rotation feature is selected from the group consisting of an arm and tang, a flap, and an orifice flat (See Figure 1 (42)).

Regarding claim 5: Campbell discloses a plurality of said sleeve portions (See Figure 1 (12)) connected at said first ends thereof, each sleeve portion having an anti-rotation element (See Figure 1 (42)) disposed at a second end thereof, wherein said guide may be used with a plurality of said valve lifters in a plurality of said bores in said engine (See Figure 1).

Regarding claim 6: Campbell discloses means for attaching said guide to said engine (See Figure 2).

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Regarding claim 7: Campbell discloses said lifter is selected from the group consisting of solid lifter and hydraulic lifter (See Abstract).

Regarding claim 8: Campbell discloses said valve train includes a rocker arm assembly (See Abstract, Column 1, lines 5-12).

Regarding claim 9: Campbell discloses an oil aperture communicating an engine oil gallery with said lifter (See abstract).

Regarding claim 11: Campbell discloses said anti rotation feature includes an arm (see numeral 42) and a tang (see figure 1, top portion).

Regarding claim 12: Campbell discloses said arm extends axially from one of said first end and said second end of said sleeve, and wherein said tang extends inwardly from said arm (see figure 1, top portion including numeral 42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Speckart (4,173,954).

Campbell discloses the claimed invention as recited above; however, fails to disclose said anti rotation feature includes a flap.

Speckhart discloses a flap that can be used for a plurality of valve lifters as an anti-rotation device (see figure 1; numeral 60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Campell's system by providing a flap as taught by Spechart in order to reduce the number of parts by using a single flap for a plurality of lifters as taught by Spechart.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Hillebrand et al. (4,448,155).

Campbell discloses the claimed invention as recited above; however, fails to disclose said anti rotation feature includes an orifice flat.

Hillebrand discloses an orifice flat can be used to provide a limited range of rotational freedom for the follower (see figure 2; column 4, lines 25 to 30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Campell's system by providing an orifice flat as taught by

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Hillebrand in order to provide a limited range of rotational freedom for the follower as taught by Hillebrand.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell.

Campbell discloses the claimed invention except for specifying the sleeve portion/engine bore are various parts (removable). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the integral part into various components, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Response to Arguments

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

8. With regard to applicant's argument on pages 7,8: Campbell discloses a sleeve portion being oriented when installed from an opening of a bore in an engine at some point in the manufacturing process of the system (see figure 1).

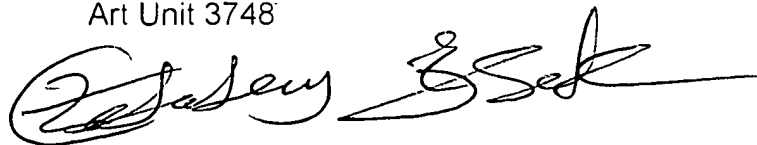
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (571) 272-4860. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zelalem Eshete
Examiner
Art Unit 3748



Thomas Denion
THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700